REMARKS/ARGUMENTS

Applicants extend thanks to Examiner Colleen Hoar and Supervisory Examiner Jeffrey Carlson for the courtesy of a telephone interview with Applicants' undersigned representative on January 26, 2010. During the telephone interview, the pending Office Action mailed October 28, 2009 was discussed, as well as the cited reference to Jha (U.S. Patent Publication No. 2005/0033641 to Jha), the disclosed invention, and proposed claim language to be added by amendment. A Request for Continued Examination (RCE) is being filed concurrently with this Amendment. Entry of the amendment, and reconsideration and further examination of this application, are requested.

Interview Summary

During the telephone interview, the proposed claim amendments contained herein were discussed. It was agreed that the claim amendments define over Jha and place the claims in condition for allowance, pending a further search upon the filing of the accompanying RCE. Details of the discussion of the Jha reference, disclosed invention, and claim amendments are provided below.

The Claimed Invention

The invention relates to responding to requests for preexisting documents, such as Web pages, and in response, providing advertisements along with the requested Web page. The claim amendments are directed to a relevancy score that is computed for keywords in the preexisting document, and calculating a productivity value using the relevancy score. With this response, each independent claim (claim 1, 11, and 22) has been amended to incorporate determining the relevancy score and calculating the productivity value using the relevancy score. Taking claim 1 as an example:

> 1.   (currently amended) A method for selecting
> advertisements for presentation to client computers on a computer network,
> comprising:

              (a) having on a server computer a plurality of possible advertisements that may be presented to a client computer and having at least one key word associated with each advertisement;

              (b) receiving from a client computer a request for delivery from a server of a preexisting document containing words;

              (c) determining a relevancy score for keywords in the preexisting document;

              (ed) selecting from the plurality of advertisements a first selected advertisement and a second selected advertisement in response to identifying an associated key word of the respective advertisements that matches a word in the requested preexisting document;

              (de) comparing a productivity value associated with the first selected advertisement and a productivity value associated with the second selected advertisement and further selecting the advertisement with the higher productivity value as a further selected advertisement; and

              (ef) delivering to the client computer the further selected advertisement along with the requested preexisting document in response to the received request;

              wherein the productivity value is calculated using the relevancy score.

        The claim amendments are supported by the specification. Determining the relevancy score is described at, for example, paragraphs [013] and [025]-[028] of the specification as filed. Calculating the productivity value using the relevancy score is described at, for example, paragraphs [037] and [038] of the specification as filed.

Office Action Rejection and Amended Independent Claims

        In the Office Action dated October 28, 2009, all of the then-pending claims 1-4 and 6-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0033641 to Jha (which claims priority to the provisional application 60/493022 filed

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August 23, 2003). Jha's discussion of using bid price, click-through-rate, and conversion rate were applied as the equivalent of the "productivity value" in the pending claims (see Page 3 of the pending Office Action).

The independent claims (i.e., 1, 11, and 22), as amended, recite <u>determining the relevancy score</u> and <u>calculating the productivity value using the relevancy score</u>. As discussed during the telephone interview, Jha discusses ranking advertisements for selection and sorting them in decreasing order by (a) advertiser bid price, (b) click-through-rate, and (c) conversion rate. See Jha at paragraph [0125]. Jha does not discuss <u>calculating a productivity value using a relevancy score</u> to calculate the productivity value. Thus, Jha does not anticipate the amended claims.

During the telephone interview discussion, Examiner Hoar noted the Jha system as filtering the potential advertisements in consideration of word document frequency (e.g., Inverse Document Frequency (IDF); see Jha at paragraph [0098]). The IDF was interpreted as a type of relevancy indicator. Jha, however, uses document frequency in filtering the ads from which a selection will be made (paragraph [0098]) and in deciding on an ad type to be selected (paragraph [0096]), not in ranking ads and not in any calculation of a productivity value for making a selection. The amended independent claims recite <u>determining the relevancy score</u> and <u>calculating the productivity value using the relevancy score</u>. There is no teaching or suggestion in Jha for performing such operations.

In particular, Jha does not select an ad based on a higher productivity score (see clause (d) in claim 1). Jha does not calculate the productivity score using a relevancy score for keywords in the preexisting document (see clause (c) in claim 1).

The other independent claims (claim 11 and claim 22) have been amended to recite similar features as per claim 1. For example, claim 11 as amended recites:

> 11.   (currently amended) A method for selecting content for display at a client computer communicating over a computer network, the method comprising:

(a) determining a relevance score for ~~content~~ keywords of a preexisting document at a server computer for delivery to a client computer from which a request for the preexisting document was received;

(b) determining at least one valuation of source content from each of two or more supplemental content sources;

(c) generating a productivity score for each of the supplemental content sources in accordance with the corresponding content valuation for the supplemental content source;

(d) selecting the supplemental content source having the greatest productivity score;

(e) serving the requested preexisting document and supplemental content from the selected supplemental content source for delivery to the requesting client computer in response to the received request;

wherein the productivity value is calculated using the relevancy score.

Claim 22 is similarly amended to recite calculating the productivity value using the relevancy score and selecting an ad based on the productivity value:

22.   (currently amended) A method for selecting content for display at a client computer communicating over a computer network, the method comprising:

determining a relevance score for content keywords contained in a preexisting document in response to a request received from the client computer for delivery of the preexisting document from a server;

determining revenue generation potential of the keywords contained in the requested preexisting document from a plurality of candidate stored advertisements;

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calculating ~~generating~~ a productivity score for each of the candidate stored advertisements ~~in accordance with~~using the determined revenue generation potential and the determined relevance score;

selecting the candidate stored advertisement having the greatest productivity score for delivery with the preexisting document in response to the received request.

Thus, Jha cannot provide the invention of the independent claims. It is asserted that the independent claims are novel and are patentable over the references of record. It is asserted that all of the dependent claims are patentable for at least the reason of depending directly or indirectly from an allowable base claim.

New Claims 27, 28, and 29

New dependent claims 27, 28, and 29 have been added. The new claims 27, 28, and 29 depend from independent claims 1, 11, and 22, respectively, and are supported by the specification. No new matter has been added.

The new dependent claims relate to a specific calculation for the productivity score in the case of multiple keyword matches, namely, the product of the relevancy score and the "cost per click" (CPC) or cost per impression (CPM) value for a keyword. See, for example, paragraph [036] of the specification.

Taking claim 27 as an example:

27. (new) A method as in claim 1, wherein calculating the productivity score further comprises calculating a product of the relevancy score and cost-per-click of a keyword.

Claims 28 and 29 are similarly worded. It is asserted that claims 27, 28, and 29 are allowable for at least the reasons of depending from respective independent claims that are allowable.

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New Claims 30-36

New independent claim 30 is a system claim that is analogous to method claim 1 and incorporates similar features. The system claim is supported by claim 1 and by the specification as filed (see, e.g., paragraphs [002] and [012], and the Abstract). Claim 30 is allowable for at least the reasons discussed above for allowability of claim 1.

New claim 31 is a system claim that incorporates the features of method claim 6. New claims 32-35 depend from claim 31 and are system claims that incorporate the features of method claims 7-10, respectively. New claim 36 depends from claim 31 and is a system claim that incorporates the features of the new method claim 27. Thus, new claims 30-36 are system claims that are supported by the specification and are allowable for at least the same reasons as corresponding claims 1, 6-10, and 27.

Thus, it is submitted that all of the pending claims 1-4 and 6-36 are patentable over the cited art and are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

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